

# Staff Summary Report



Hearing Officer Hearing Date: February 19, 2008

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by the **MINGUA RESIDENCE (PL080002)** located at 1530 West 5<sup>th</sup> Place for three (3) use permits.

**DOCUMENT NAME:** 20080219dsac01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **MINGUA RESIDENCE (PL080002)** (Sam Mingua, applicant/property owner) located at 1530 West 5<sup>th</sup> Place in the R1-6, Single Family Residential District for:

**ZUP08005** Use permit to allow an accessory building.

**ZUP08006** Use permit standard to reduce the rear yard setback by twenty percent (20%) from fifteen feet (15') to twelve feet (12').

**ZUP08011** Use permit to allow parking in the front yard setback.

**PREPARED BY:** Alan Como, Planner II (480-350-8439)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

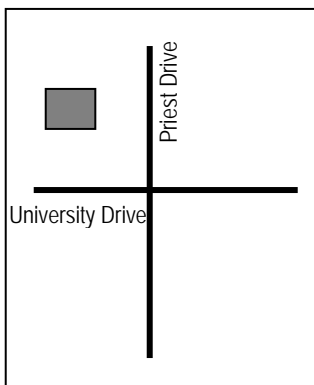
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions (1-3)

**ADDITIONAL INFO:** The Mingua residence is requesting 3 use permits: a use permit to reduce the rear yard setback by twenty percent (20%) from fifteen feet (15') to twelve feet (12'), a use permit to allow an accessory building, and a use permit to allow parking in the front yard setback. The applicant would like to construct a 300 s.f. workshop/garage in his rear yard to store materials and repair old vehicles. The applicant has a carport in the front driveway which is fifteen feet (15') from the property line; however, any cars parked underneath the carport would still be located within the required twenty foot (20') front yard setback. Staff recommends approval of the use permits as they meet the conditions set forth in the Tempe Zoning and Development Code.



**PAGES:**

1. List of Attachments
2. Comments; Reason for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Elevation
- 6-9. Staff Photograph(s)

## COMMENTS:

The Mingua residence is requesting three use permits, two of which relate to a proposed accessory building in the rear yard; the third relates to parking in the front yard setback. The applicant is requesting a use permit to reduce the rear yard setback by twenty percent (20%) from fifteen feet (15') to twelve feet (12'). The Zoning and Development Code allows for rear yard setbacks to be measured from the centerline of a dedicated alleyway, in which the applicant proposes to locate the accessory structure. Additionally the applicant is requesting a use permit for a 300 s.f. accessory building in the rear yard, which could be accessible through a gated entrance in the rear wall. The applicant proposes to use the accessory structure to repair/restore older vehicles. The use permit to allow for parking in the front yard setback would be to accommodate parking underneath an existing legal carport, which meets the fifteen foot (15') setback for open structures. Staff has not received any neighborhood input on these requests.

## Use Permit

The Zoning and Development Code requires use permits to reduce a setback standard by twenty percent (20%), build an accessory structure in the rear yard, and park in the front yard setback in the R1-6 Single Family Residential District.

Evaluating the use permit, the proposal appears to pass the use permit tests listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas. Parking in the front yard setback would take vehicles off of the street.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - There may be potential emission of odor, dust, gas, noise, vibration, and smoke from the accessory building as the applicant proposes to use it to repair vehicles; however, the emissions should not exceed ambient conditions.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
  - The proposal would not contribute to neighborhood deterioration or downgrade property values. These use permits are consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies. The use permit to park in the front yard setback would allow for vehicles to be taken off the street and placed in the driveway.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed use appears to be compatible with surrounding uses.

## Conclusion

Staff recommends approval of the three use permits subject to conditions

## REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

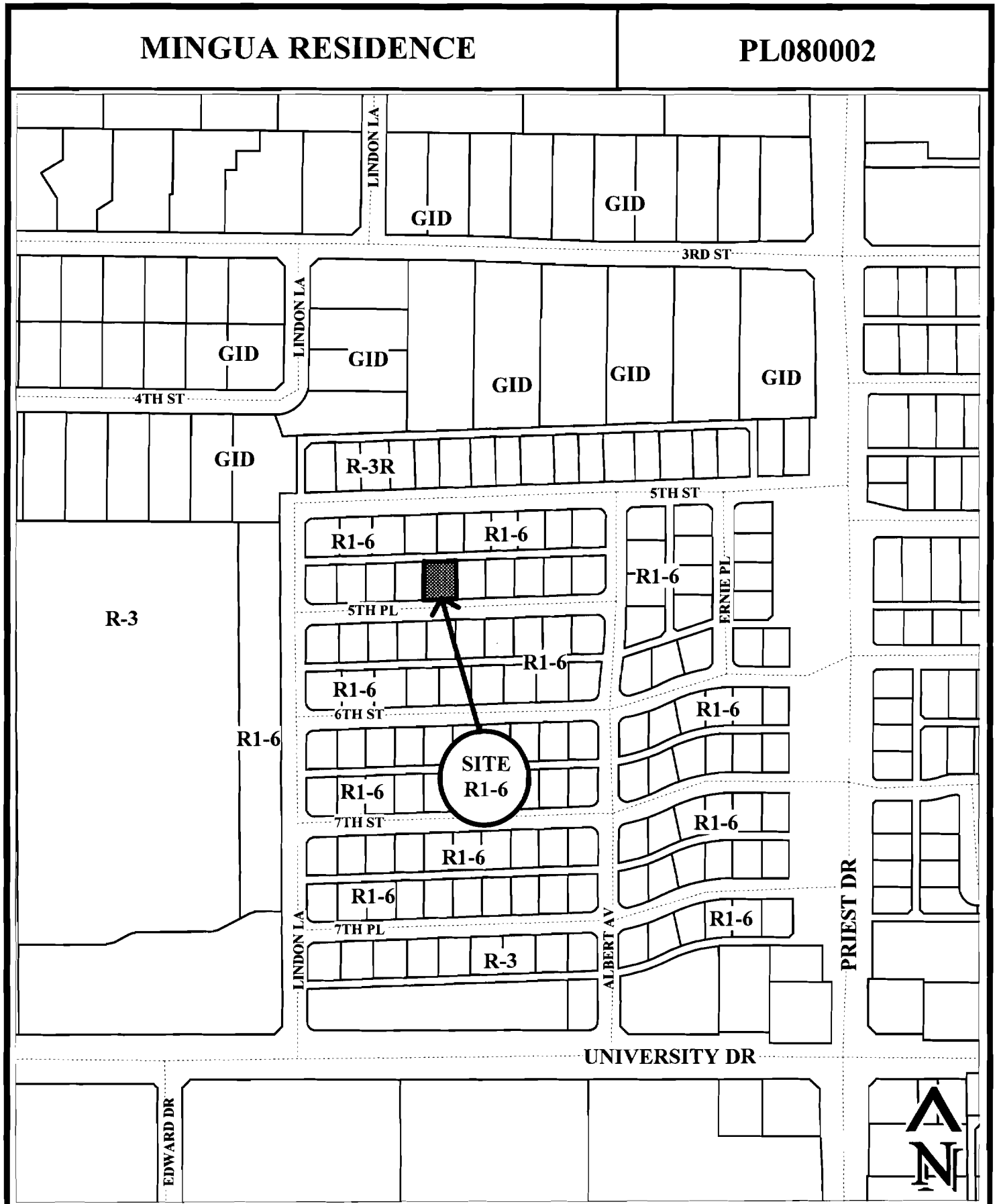
**CONDITION(S)  
OF APPROVAL:**

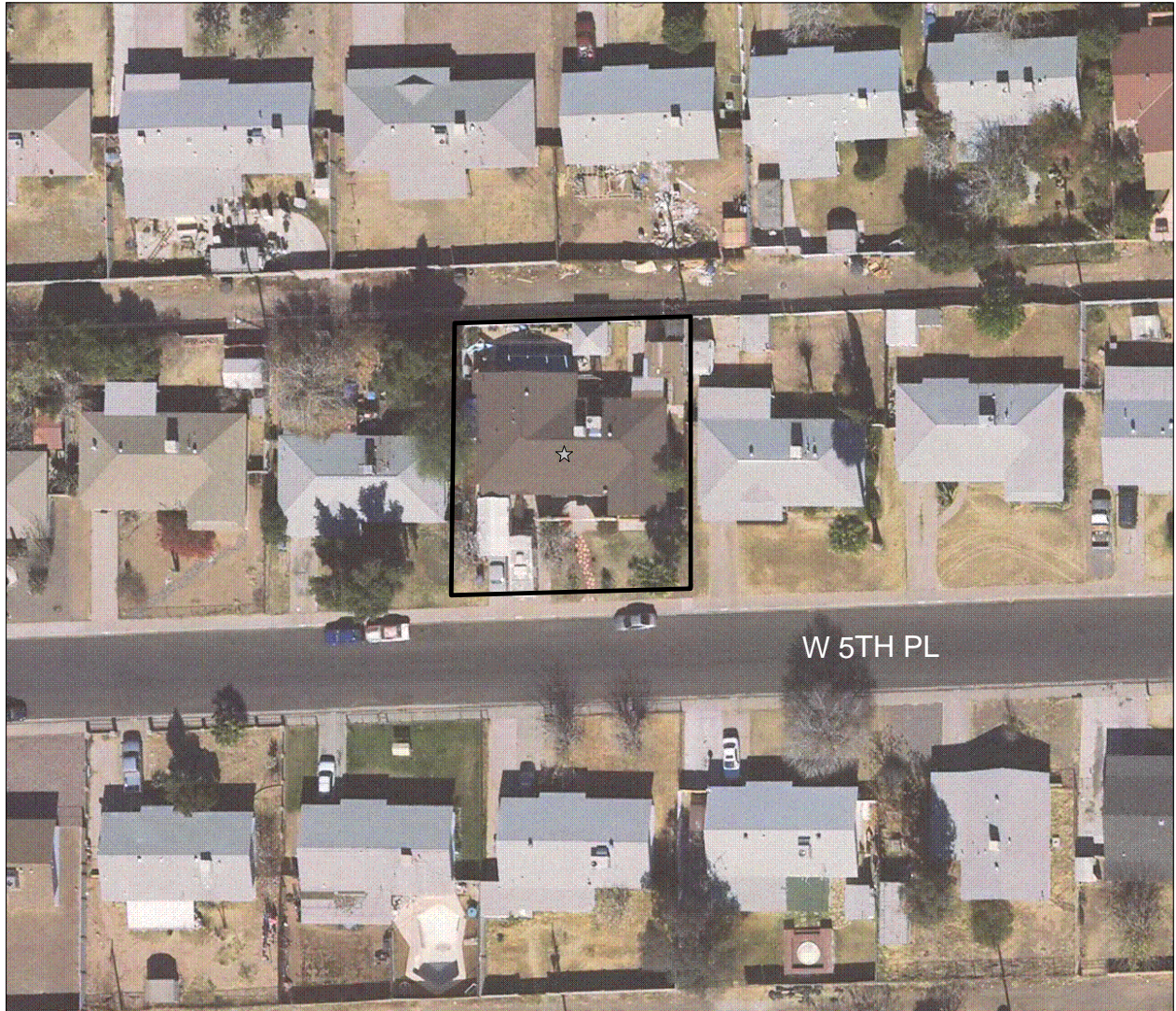
1. Obtain all necessary clearances from the Building Safety Division.
2. The accessory building shall not be converted to livable space. Any such conversion would be determined to be an intensification of the use and would require that the use permit appear before the Hearing Officer for re-evaluation.
3. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.

**HISTORY & FACTS:** None related to this property

**DESCRIPTION:** Owner – Sam Mingua  
Applicant – Sam Mingua  
Existing Zoning – R1-6, Single Family Residential District  
Required front yard setback to open structure – 15'  
Required rear yard setback if adjacent to dedicated alley – 15' measured from the center of alley  
Proposed size of accessory building – 300 s.f. (15' X 20')

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:** Part 4, Chapter 2, Section 4-202, Table 4-202A - Development Standards  
Part 6, Chapter 3, Section 6-308- Use permits

**MINGUA RESIDENCE**
**PL080002**

**Location Map**



MINGUA RESIDENCE (PL080002)

1/23/2008

City of Tempe Development Services  
31 E. 5th St.  
Tempe, AZ 85281  
Attn: Alan Como

RE: Letter of Explanation/Description for Accessory Building Project  
Mingua Residence

Dear Alan:

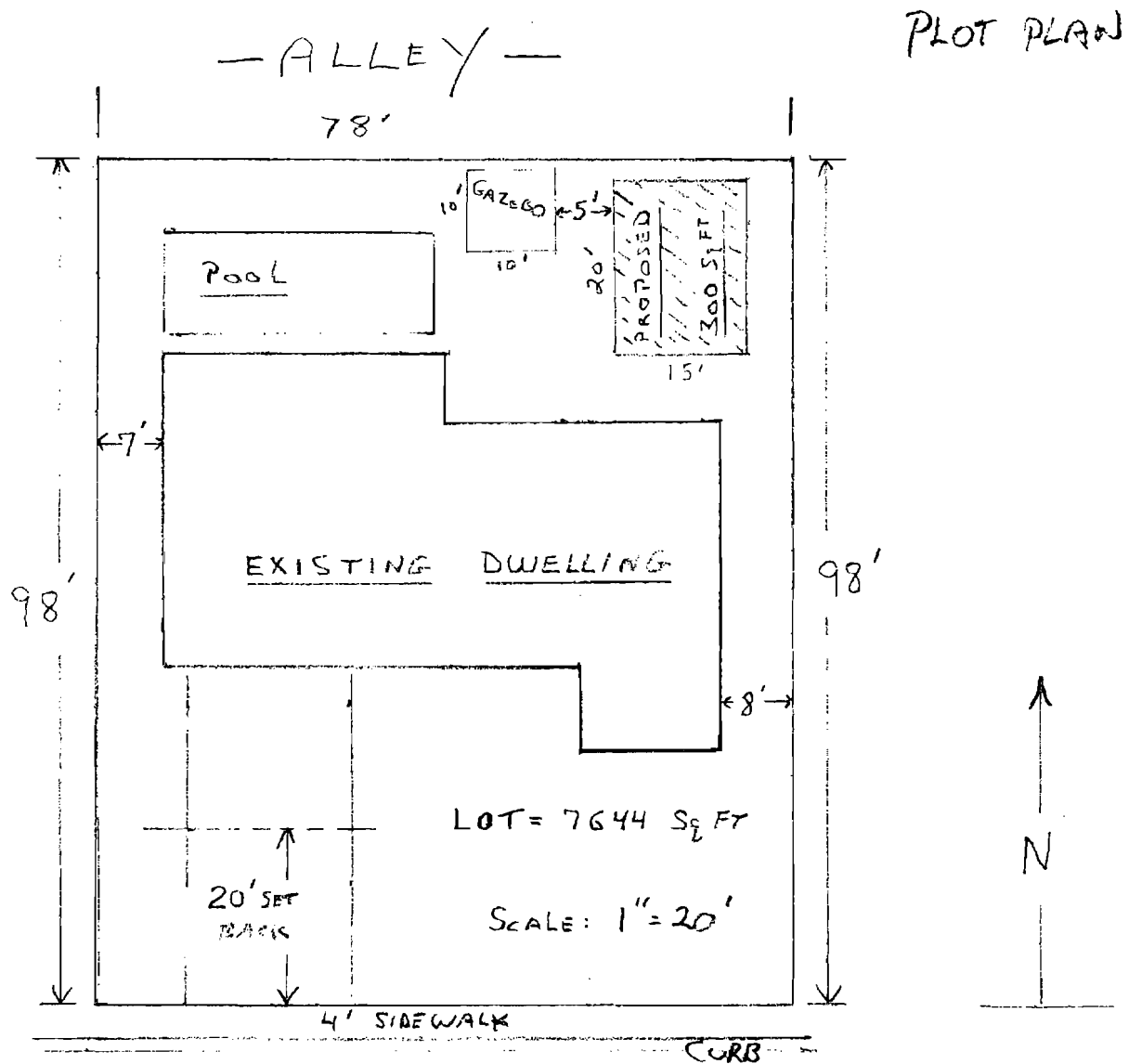
We would like to build a 20' by 15' garage/workshop (300 sf.) in our backyard at 1530 W. 5th Place, Tempe, Arizona 85281.

This building would be used to occasionally restore/work on a couple of older cars that we own, but mainly to do some woodworking during retirement.

In addition, we would like to change the rear setback of the building from 15' to 12'.

Thank you in advance for your consideration.

Sam & Louise Mingua



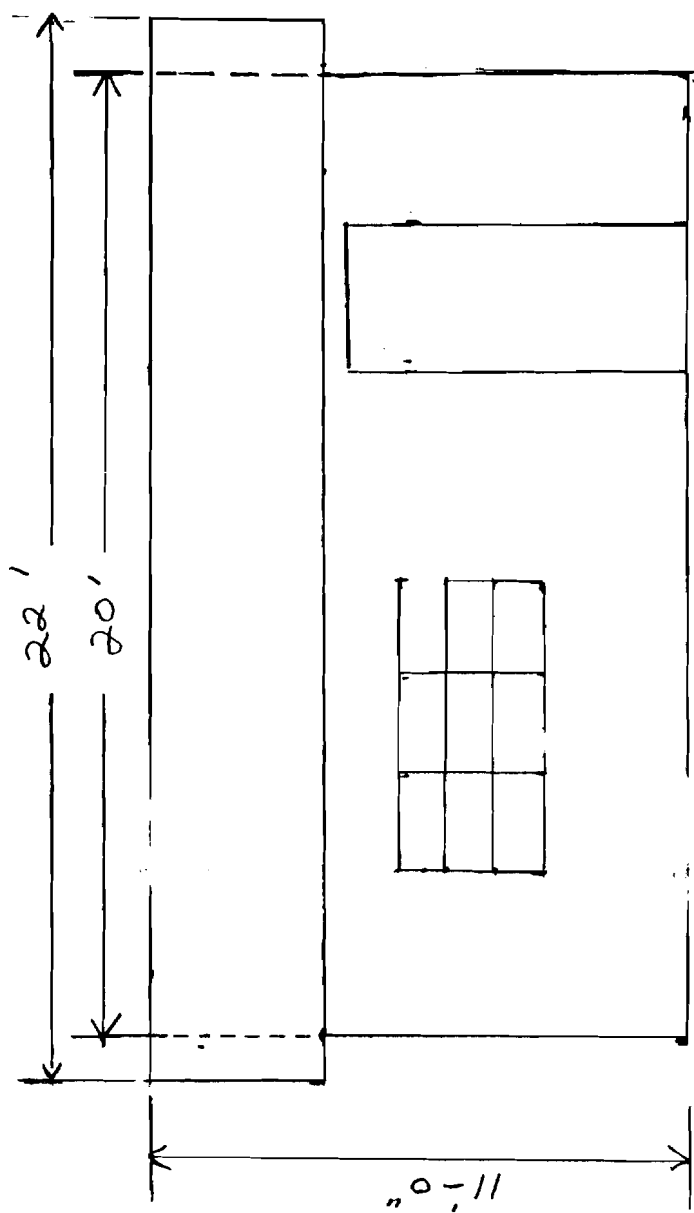
ADDRESS: 1530 W. 5<sup>TH</sup> PL

LOT:

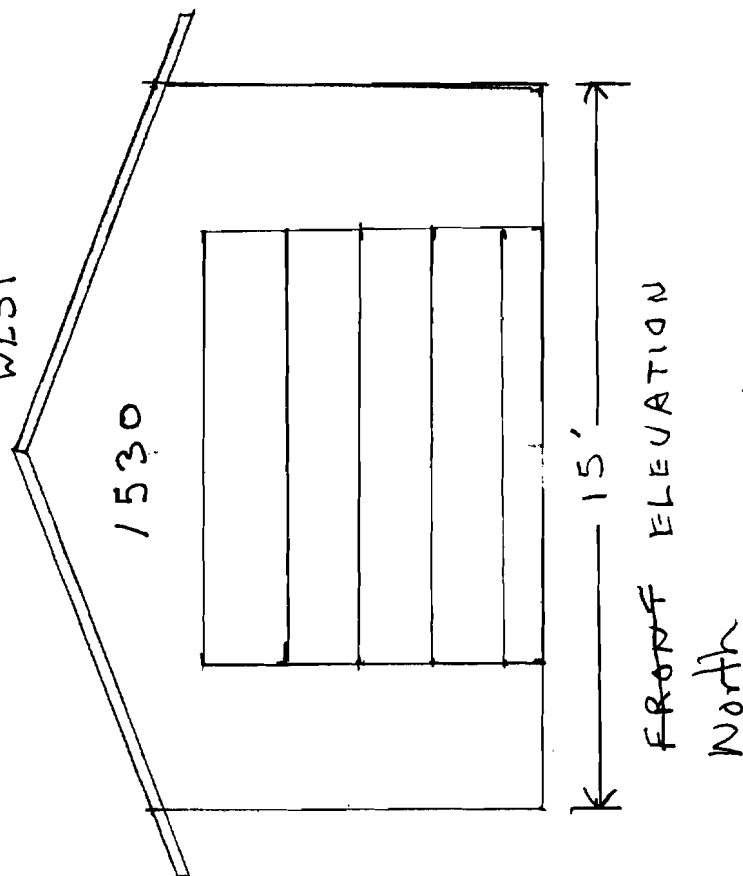
SUBDIVISION

OWNER: MINGUA





~~RIGHT~~ WEST  
ELEVATION



SCALE: 1/4" = 1'



**MINGUA RESIDENCE**

**1530 W 5<sup>TH</sup> PL**

**PL080002**

**REAR OF RESIDENCE: MISC ITEMS**



**MINGUA RESIDENCE**

**1530 W 5<sup>TH</sup> PL**

**PL080002**

**REAR OF RESIDENCE: RAMADA STRUCTURE**





**MINGUA RESIDENCE**

**1530 W 5<sup>TH</sup> PL**

**PL080002**

**FRONT OF RESIDENCE: ENCLOSED GARAGE**



**MINGUA RESIDENCE**

**1530 W 5<sup>TH</sup> PL**

**PL080002**

**REAR OF RESIDENCE**